

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

v.

XAVIER SIMMS,  
Defendant.  
-----X

**ORDER**

22 CR 528 (VB)

By Order dated December 19, 2023, the Court reappointed Joseph A. Vita, Esq., as CJA counsel for defendant Simms for the purpose of investigating and pursuing a possible motion for reduction of sentence pursuant to Amendment 821 to the Sentencing Guidelines. On December 18, 2023, the Probation Department issued a supplemental presentence investigation report concluding defendant is eligible for such a sentence reduction under the "status points" portion of Amendment 821, which amends Section 4A1.1(e) of the Guidelines.

Accordingly, by no later than January 23, 2024, defendant may make an appropriate motion pursuant to 18 U.S.C. § 3582(c)(2) and Section 1B1.10 of the Guidelines. By no later than February 13, 2024, the government shall file a response.

The motion will be resolved on the parties' written submissions, unless otherwise ordered by the Court.

Dated: January 2, 2024  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge